

REMARKS

This Amendment responds to the Office Action dated November 16, 2004.

The Examiner objected to claims 2-24 because of a typographical error in independent claim 1. This error has been corrected,

The Examiner rejected claims 2-5, 7-11, 13-18, and 21-24 under the judicially created doctrine of obviousness-type double patenting in view of applicant's prior U.S. Patent No. 6,236,395. Enclosed is a terminal disclaimer that overcomes the Examiner's rejection.

The Examiner rejected claims 2-11, 13-18, and 21-23 under 35 U.S.C. § 102(e) as being anticipated by Oosterhout, U.S. Patent No. 6,405,371. Oosterhout discloses an audiovisual system in which a user is presented with a program guide for television content. The program guide includes icons pertaining to "themes" in which a viewer might be interested. Upon the selection of one of these "themes", the program guide marks program content associated with the selected theme by graying out other content, or checking associated content, etc. The system of Oosterhout does not record preference information for a *predetermined* user, but instead relies upon instantaneous interaction with a user to determine which content to highlight.

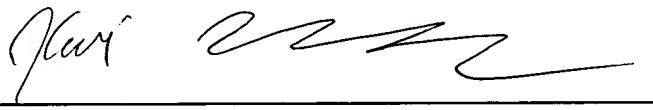
Independent claim 21, from which claims 2-11, 13-18, 22, and 23 each depend, includes the limitations of "providing a user description scheme containing user preference data for a predetermined user" and "selecting at least one of a video, an image, and audio based upon an interaction of said user description scheme with at least one of said program description scheme or said system description scheme." These limitations are not disclosed by Oosterhout, which does not disclose a user description scheme containing "user preference data for a *predetermined* user." Instead, the system of Oosterhout includes no information about any user's preferences,

and instead relies upon instantaneous input in order to present content that conforms to that input. Therefore, Oosterhout also fails to disclose an interaction with a user preference *scheme*, but instead merely reacts to instantaneous instructions from user. For these reasons, independent claim 21, along with dependent claims 2-11, 13-18, 22, and 23 each patentably distinguish over Oosterhout and should be allowable.

The Examiner rejected claims 12, 19, 20, and 24 under 35 U.S.C. § 103(a) as being obvious in view Oosterhout. Each of these claims depends from independent claim 21, which as discussed previously, includes the limitation of “providing a user description scheme containing user preference data for a *predetermined* user.” (emphasis added). Therefore, dependent claims 12, 19, 20, and 24 each patentably distinguish over Oosterhout and should be allowable.

The Examiner rejected claim 24 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Oosterhout with Brown et al., U.S. Patent No. 6,286,141. Neither of these references discloses the limitation, previously discussed, of “providing a user description scheme containing user preference data for a *predetermined* user.” (emphasis added). Therefore, dependent claim 24 patentably distinguishes over Oosterhout and should be allowable.

Respectfully submitted,



Kurt Rohlfs
Reg. No. 54,405
Tel No.: (503) 227-5631